



**CONDITIONAL USE PERMIT  
CITY OF GREENVILLE, SOUTH CAROLINA**

*A copy of this permit must be kept on premises at all times, available to City inspectors.  
For more information, contact the Planning and Development office at City Hall, 864.467.4476.*

This Conditional Use Permit (CU 16-120) authorizes the following zoning activity, subject to the conditions listed below, as regulated in the Greenville City Code, Sections 19-2.3.6, *Conditional Use Permit*, 19-4.1, *Table of Uses*, and 19-4.3.3, *Use Specific Standards*:

**RESTAURANT TO BE OPEN AFTER MIDNIGHT**

Property location: **610-A S MAIN ST (TMS#: 007000-03-02500)**

**Conditions:**

- 1) The Conditional Use Permit is limited to Elizabeth Bercowski as sole member of Rainers Just Desserts LLC, and the business known as "Rainer's," and is not transferrable.
- 2) Operation of the facility shall be limited to a 'restaurant' as defined by the City Code and substantially conform to the information provided by the Applicant to the Technical Advisory Committee and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Conditional Use Permit.
- 3) At all times during its occupancy, the Applicant shall assign a manager to the premises who shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
- 4) The Applicant and all of its managers and employees responsible for the management of the facility (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by code enforcement officers. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.
- 5) Live entertainment, generally described as easy-listening Jazz, Blues, or Motown, is limited to 8 PM – 11 PM 12 AM, Wednesday through Saturday. (*amended 5/20/16*)
- 6) Exterior sound amplification is prohibited. Any interior sound system shall be directed toward the interior of the building. Except to provide ingress and egress, exterior doors and windows shall remain closed after 10 PM.
- 7) Maximum building occupancy shall be approved by the Building Codes department and shall be managed by the proprietor to prevent over-crowding.
- 8) A copy of the Conditional Use Permit shall be maintained with other posted occupancy information on the premises and made available for code enforcement inspections.

*Nathali Schmitt*

**ISSUED THIS 12th DAY OF April, 2016.**

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**PLANNING & DEVELOPMENT DIVISION**



**City of Greenville**

**Notice of Administrative Decision for Application # CU 16-120**

*This public notice is mailed to property owners within 300 feet of the subject property*

**Property Address:** 610-A S MAIN ST (TMS#: 007000-03-02500)

**Application:** Conditional Use Permit to operate an existing restaurant and lounge after midnight until 2:00 AM in the C-4, Central Business District

**Decision:** Approved with Conditions

**Conditions:**

- 1) The Conditional Use Permit is limited to Elizabeth Bercowski as sole member of Rainers Just Desserts LLC, and the business known as "Rainer's," and is not transferrable.
- 2) Operation of the facility shall be limited to a 'restaurant' as defined by the City Code and substantially conform to the information provided by the Applicant to the Technical Advisory Committee and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Conditional Use Permit.
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- 7) Maximum building occupancy shall be approved by the Building Codes department and shall be managed by the proprietor to prevent over-crowding.
- 8) A copy of the Conditional Use Permit shall be maintained with other posted occupancy information on the premises and made available for code enforcement inspections.

By application filed 2/25/2016 the Applicant, Rainers Just Desserts LLC dba "Rainer's" requested a Conditional Use pursuant to Section 19-2.3.6, *Conditional Use Permit*; Section 19-4.1, *Table of Uses*; and Section 19-4.3.3, *Use Specific Standards*, of the Greenville City Code to operate a restaurant after midnight in the C-4, Central Business District. Notice was mailed to property owners within 300 feet of the subject property on March 8, 2016. The Applicant met with the Technical Advisory Committee on March 21, 2016.



### **Findings:**

- The Technical Advisory Committee made sufficient findings to recommend approval of the permit, subject to the conditions enumerated above and the Report of the Technical Advisory Committee.
- The use complies with the goals, policies, and standards of the ordinance and, in particular, with the standards of Section 19-4.3, Use Specific Standards.
- The infrastructure capacity is adequate to serve the conditional use.
- The use complies with the standards for granting a special exception:

The use is consistent with the comprehensive plan. The Future Land Use Map of the City's comprehensive plan designates the area as "Mixed-Use City Center." The property is also located in the West End Historic District (National Register) and a local preservation overlay, which encourages development to contribute to the quality of life and support friendly, walkable streets.

The use is compatible with the character of surrounding lands. The use is located in the C-4, Central Business District, which encourages pedestrian-oriented development including specialty and neighborhood-oriented retail. Surrounding lands provide a mix of office, service, retail, entertainment, civic, and residential uses. There is a residence in an adjacent building; however, the conditions of the permit are intended to address those impacts and maintain compatibility with the character of the neighborhood.

Adverse impacts associated with the design of the use, which may include noise, odors, or late-night loitering in surrounding neighborhoods are intended to be addressed by the conditions enumerated above.

### **Appeal:**

Any person believing that the administrator erred in its decision has the right to appeal the decision to the City of Greenville Board of Zoning Appeals. The appeal form and fee must be submitted to the Planning and Development office within 10 business days after the decision is made, and must state the reasons he or she believes the decision is illegal, either in whole or in part.

### **Conditional Use Permit:**

The Conditional Use Permit issued to the Applicant is required to be maintained with other posted occupancy information on the premises, available to city inspectors.

### **General Information:**

The appropriate responsible party must obtain any necessary permits, certificates and/or licenses from the City of Greenville Permits and Licenses Office before beginning work, occupying premises, or starting a business.

Failure to comply with any conditions prescribed in conformity with the City of Greenville Code of Ordinances (Land Management), when made part of the terms under which this Conditional Use is granted, shall be deemed a violation of the City Code, punishable under penalties established by City Code.



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Nathalie Schmidt, AICP  
Development Planner

4/12/2016

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Date

Application # CU 16-120 Fees Paid \_\_\_\_\_  
Date Received: 2-23-2016 Accepted by \_\_\_\_\_  
Date deemed complete \_\_\_\_\_ App Deny Conditions \_\_\_\_\_



## APPLICATION FOR CONDITIONAL USE CITY OF GREENVILLE, SOUTH CAROLINA

**APPLICANT / PERMITTEE\*:** RAINERS JUST DESSERTS LLC  
\*Operator of the proposed use; Name Title / Organization  
permit may be limited to this entity. DBA RAINER'S

**APPLICANT'S REPRESENTATIVE:** ELIZABETH BERCAWSKI SOLE MEMBER  
(Optional) Name Title / Organization

MAILING ADDRESS: 107 RICELAN DR SIMPSONVILLE SC 29681

PHONE: 864-234-0452 EMAIL: bercow@bellsouth.net

**PROPERTY OWNER:** Christopher Park Gallery LLC

MAILING ADDRESS: 107 Ricelan DR Simpsonville SC 29681

PHONE: 864-234-0452 EMAIL: bercow@bellsouth.net

### PROPERTY INFORMATION

STREET ADDRESS: 610-A S MAIN ST GREENVILLE SC 29601

TAX PARCEL #: 007000-03-02500 ACREAGE: .14 ZONING DESIGNATION: C4

### REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance ([www.municode.com/library/](http://www.municode.com/library/))

DESCRIPTION OF PROPOSED LAND USE: Restaurant open for lunch, dinner and late night, also serving alcohol after midnight

### INSTRUCTIONS

1. The application and fee, made payable to the City of Greenville, must be submitted to the planning and development office during normal business hours.
2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a conditional use). See also **Section 19-2.3.6, Conditional Use Permit**, for additional information. You may attach a separate sheet addressing these questions.
3. For conditional use requests for nightclubs/bars, event venues, or businesses operating after midnight, the applicant must also submit the **Zoning Compliance Application for Establishments Serving Beer, Wine, or Liquor**.



4. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

5. You must attach the required application fee: \$250.00

6. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to routing the application for staff review. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant and advise them to withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is \_\_\_\_\_ or is not X restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

<u><i>J. Derowski</i></u>	APPLICANT SIGNATURE
<u><i>2/24/16</i></u>	DATE
<u><i>J. Derowski</i></u>	PROPERTY OWNER SIGNATURE
<u><i>2/24/16</i></u>	DATE

**Applicant Response To  
Section 19-2.3.6(D), Standards – Conditional Use Permit**

(You may attach a separate sheet)

1. Describe the ways in which the proposal complies with the goals, policies, and standards of the ordinance and, in particular, with the standards of **Section 19-4.3, Use Specific Standards**.

*this is a retail restaurant operating in the Central Business District. No outdoor entertainment, no open exterior areas, no drive through facilities, no delivery or waste collection midnight - 5am, no on site traffic, no outdoor patio, no exterior sound amp between 10 PM - 11 AM*

2. Describe the ways in which the infrastructure (roads, potable water, sewerage, schools, parks, police, fire, and emergency facilities) capacity is adequate to serve the proposed conditional use.

*The business is already serviced by Dube, Greenville Water, Piedmont Gas, Charter, Greenville Fire & Police. The addition of 2 hrs of operation will not make a significant impact on existing services.*

Rainer's  
610-A S Main St, Greenville SC 29601

#### Business Plan

Rainers Just Desserts LLC (Rainer's) opened for business in 2009 with the slogan "Simple Fresh Good". We serve soup, salad, sandwiches, dessert and coffee. In 2010 we applied for and received our Beer and Wine license. Beer and wine has never been a substantial part of our revenue (over 5 years averaging 10%) but offered as an option to our customers seeking an alternative to coffee and soda.

In 2015 we decided to expand the restaurant and add light music and liquor to our establishment. The idea came to the owner as she was seeking a quiet, acoustically comfortable place where she and friends could enjoy an adult beverage and conversation without straining to hear each other over music or crowd noise. The target audience in the "listening room" side is 40+ years. In keeping with the objective of limited noise, seating is limited to an average of 45 comprised of living room style club chairs and bar stools. A small stage at the front of the space presents musicians three evenings/week. The room has acoustic sheetrock and ceiling to dampen noise. The decor is upscale. Additionally to keep unwelcome sound intrusions, we do not have a TV; there are no beers on tap, no soda guns and no blender drinks. This also discourages a young crowd which was a intended consequence.

While the listening room side is experiencing a number of local "regulars" we have discovered one of our target audience components - those attending Peace Center and local theatre performances - do not have enough time to enjoy our respite following a show. With a show being over at say 11PM, by the time they get to our location, it's 11:30 and there is little time to have a leisurely drink or dessert before we have to close. For that reason we are requesting a conditional use permit to operate a restaurant past midnight until 2PM.

Without benefit of a history of sales that includes alcohol, we anticipate a ratio of 30% beer/wine/liquor to 70% food. Our first 2 months of operation in the expanded space resulted in a ratio is 20% beer/wine/liquor to 80% food. Monthly sales are estimated to be \$22,000.

There are no fees for entry or membership. We have, and include copies of: City of Greenville Business License, City of Greenville Occupancy Permit, SC Retail License, SCDOR PBW and PLB Licenses, SCDHEC latest Inspection Report with Grade A (100%). The SCDOR requires an inspection by SLED prior to the issuance of licenses. We were not left with paperwork following the SLED on site visit, but the issue of the license would indicate all requirements were met.

#### Operating Plan

Rainer's is a full service restaurant open Monday - Saturday. The cafe side opens at 11AM. Since we have the ability to operate each side independently, the listening room side opens at 3PM. Our goal is to operate the listening room side Wednesday - Saturday, 3PM - 2AM and evening there is a Peace Center show (should that be a Monday or Tuesday). We have no desire to open on Sundays. Cafe closes at 6PM on Monday and Tuesdays. Cafe closes at 10PM however food service is available to listening room patrons up to closing.

We have a staff of 8 with the idea that it may grow to 10 as we get busier.



We attach a copy of our current food menu. We are still tweaking the listening room menu but it will include items from the cafe menu as well as items such as sliders, wrapettes, meat and cheese or fruit platters and desserts.

Customers and employees have the ability to park in the private lot across the street at Postcard, at Riverplace public parking as well as street parking.

We do not provide a designated smoking area. It is up to the customer/employee to identify a place that complies with the city ordinance. We do not have property to designate.

Our live entertainment is provided 8-11PM, Thursday - Saturday and consists of easy listening music such as jazz, blues, R&B and some singer/songwriter. Music is chosen based on the ability to maintain an atmosphere where conversation can still co-exist with the music.

Last call will be at 1:30 with closing at 2AM.

#### Security

All employees regardless of which side they work on will participate in a TIPS alcohol training class on Monday Feb 29.

We scan all listening room patrons drivers license to verify age and validity prior to taking any order. On the cafe side, anyone ordering alcohol also has their drivers license scanned prior to accepting the order.

Staff is conscious of the need to monitor patrons for evidence of behaviors that signal the patron should not continue to be served spirits or drive. We will call a cab if necessary.

There is a well lit sign over the exit. There are 24/7 surveillance cameras located inside the cafe, listening room and outside viewing the sidewalk in front of the business.

With a room accommodating 45 people, crowd control is not an anticipated issue.



# Listening Room Side

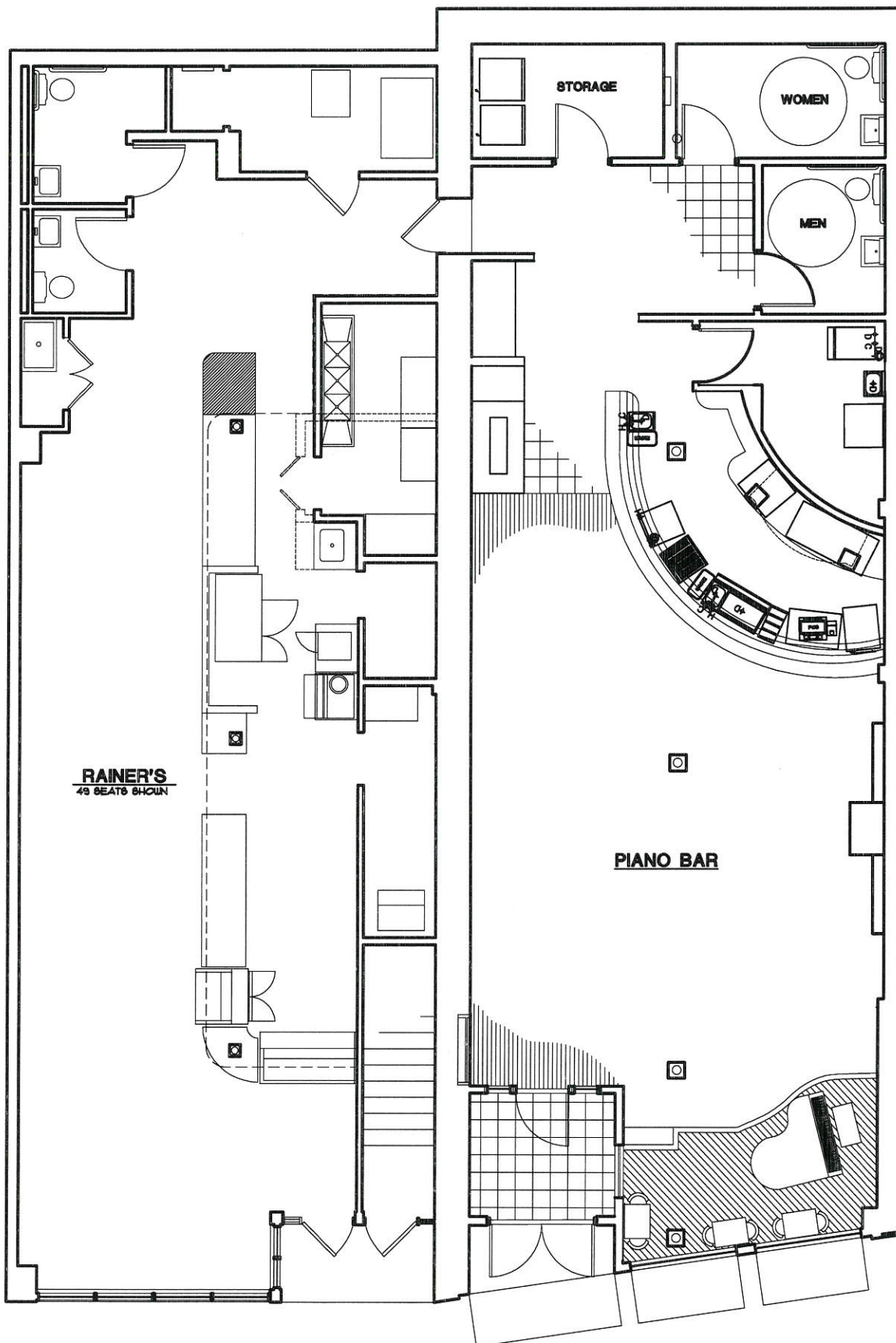






Cafe side





**FLOOR PLAN**